Appl. No. 09/918,646
Reply to Office Action of: May 8, 2006

REMARKS

Applicant wishes to thank the Examiner for reviewing the present application.

Applicant acknowledges the Examiner's indication that claims 10 and 11 are allowable.

Applicant wishes to thank the Examiner for taking the time to participate in the telephone interview of July 13, 2006. In the telephone interview, the Examiner's reasons for allowing claims 10 and 11 were discussed. However, an agreement regarding claims 1-9 and 12 was not reached in the interview and Applicant believes that those features in claims 10 and 11 deemed by the Examiner to distinguish over the prior art are not required to be included in claims 1-9 and 12. Applicant has amended the claims as outlined below and listed above to better reflect the nature of what is recited in claims 1-9 and 12 in light of the Examiner's comments regarding claims 10 and 11 and upon reconsideration of the teachings in the description and figures of the present application.

Claim Amendments

Claim 1 is amended replacing "manipulating at least one packet" with "transparently modifying" on line 1, removing "for disabling header compression" on line 2 and inserting "during an establishment and configuration of a communication protocol" prior to "said method" on line 3. Claim 1 is also amended replacing "at least one" with "compression" on line 5, replacing "at a layer of a protocol stack" with "prior to a responding correspondent receiving said negotiation packet" on line 6 and for more appropriate grammar on lines 7-9. Claim 1 is also amended to indicate that the software module is disposed between the initiating correspondent and the responding correspondent such that the software module transparently intercepts the negotiation packet, to indicate that the first and second instruction sets are associated with first and second compression option types and to clarify the nature of the substitution of the first and second option types. Various other amendments have been made to claim 1 to conform the remaining language of claim 1 to the amended language specifically mentioned above.

Claims 2 to 8 are amended in accordance with the amendments to claim 1.

Claims 9 and 12 are amended similar to claim 1.

Claim 11 is amended to include "and" following the second-to-last step.

Applicant advises that claims 1-9 and 12 are amended to more appropriately protect the embodiment exemplified in Figure 3 wherein the software module operates transparent to the correspondent to which it is coupled. Claims 1 and 12 should not to be limited only to disabling header compression and thus any reference to disabling header compression has been removed from those claims.

Claim Rejections

Claims 1-6 and 12 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,742,773 to Blomfield-Brown et al. (Blomfield-Brown) in view of U.S. Patent No. 5,535,199 to Amri et al. (Amri). Applicant respectfully traverses the rejections as follows.

As noted above, claims 1 and 12 have been amended to better reflect the nature of what has been recited. Claim 1, in part, recites a method for transparently modifying a header compression parameter. Such "transparency" is achieved by intercepting, examining and substituting an instruction set in order to modify the parameter prior to the responding correspondent receiving the negotiation packet and thus the responding correspondent does not know that the compression parameter has been changed.

Applicant respectfully submits that neither Blomfield-Brown nor Amri, alone or in combination teach transparently modifying header compression parameters as recited in claim 1 and, for at least that reason, claim 1 is believed to distinguish over Blomfield-Brown in view of Amri.

As previously argued, Blomfield-Brown teaches actively negotiating a compression method by determining the availability of a desired compression format and if unavailable, indicates a substitute in order to find the best available format. Each side of the communication maintains a list of known compression/decompression formats that the application is capable of using (col. 7, lines 49-51). Clearly, Blomfield-Brown does not teach transparently modifying compression parameters but rather requires that each correspondent have an updated list (i.e. completely visible).

Amri teaches TCP/IP compression/decompression processes that permit a user to instruct a local data terminal equipment (DTE) that a remote DTE is known to support TCP/IP header

8

compression/decompression. The local DTE sets its routing information to record this information (col. 2, line 61 to col. 3, line 4). Clearly, Amri does not teach transparently modifying a header compression parameter but rather the routing information is recorded and thus is completely visible to both corresponding entities.

In order to establish a *prima facie* case of obviousness, one criterion that must be met is that the combination of references must teach every step or feature (MPEP 2143). Applicants believe that neither Blomfield-Brown nor Amri, alone or in combination, teach transparently modifying a header compression parameter. Therefore, for at least that reason, claim 1 is believed to distinguish over Blomfield-Brown in view of Amri. Claims 2-8 being ultimately dependent on claim 1 are also believed to distinguish over the references cited.

As noted above, claims 9 and 12 have been amended similar to claim 1. Therefore, the arguments presented above with respect to claim 1 equally apply to claims 9, 12, and claims 13-15 dependent on claim 12.

Claims 7-9 and 13-15 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Blomfield-Brown in view of Amri and in further view of U.S. Patent No. 6,765,909 to Sen et al. (Sen). Applicant respectfully traverses the rejections as follows.

Claims 7-8 are ultimately dependent on claim 1. As noted above, claim 9 has been amended in a manner similar to claim 1. Claims 13-15 are dependent on claim 12. As discussed above, Applicant is believed to have shown that claims 1, 9 and 12 patentably distinguish over Blomfield-Brown in view of Amri. Therefore, Sen must at least teach what is missing from Blomfield-Brown and Amri.

Sen teaches a system and method for identifying an IP application packet encapsulated in a PPP packet, which detects IP application changes during a PPP session. Sen does not teach transparently modifying a header compression parameter as recited in claims 1, 9 and 12 but is entirely silent in that regard. In fact, Sen teaches mapping IP packets to different service planes and thus each end of the communication is aware of the process (col. 3, lines 28-30). Therefore, Sen does not teach what is missing from Blomfield-Brown and Amri and, as such, claims 7-9 and 13-15 are believed to be patentably distinguished over Blomfield-Brown in view of Amri in further view of Sen.
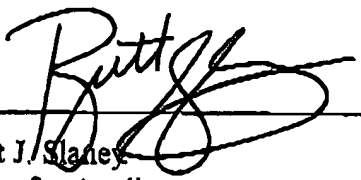
Appl. No. 09/918,646
Reply to Office Action of: May 8, 2006

Summary

In view of the foregoing, Applicants believe that claims 1-15 distinguish over the references cited by the Examiner and are in condition for allowance.

Applicant requests early reconsideration and allowance of the present application.

Respectfully submitted,

Brett J. Slaney
Agent for Applicant
Registration No. 58,772

Date: Aug. 2, 2006

BLAKE, CASSELS & GRAYDON LLP
Suite 2800, P.O. Box 25
199 Bay Street, Commerce Court West
Toronto, Ontario M5L 1A9
CANADA

Tel: 416.863.2518
BSL/

10